

DECISION RECORD
for
SANDY RIVER ACQUISITIONS

Environmental Assessment No. OR-080-02-01

**United States Department of the Interior
Bureau of Land Management
Oregon State Office
Salem District Office
Cascades Resource Area
Clackamas County, Oregon**

BACKGROUND

The Sandy River and Mt. Hood corridor represent a rare opportunity to conserve significant natural areas and resources near one of the fastest growing metropolitan areas in the Northwest. The Salem District Bureau of Land Management (BLM) has worked with many partners over the years including the Forest Service, State of Oregon, counties, METRO, City of Portland, The Nature Conservancy, City of Sandy, Sandy River Watershed Council and interested organizations on cooperative projects to restore and enhance the Sandy's resources. With the

support of its partners, the BLM has embarked on a cooperative effort within the Sandy River drainage and its tributaries to acquire key parcels of non-federal land from willing sellers for the conservation and restoration of natural resources.

These acquisitions are part of the BLM's Conservation and Land Tenure Strategy for the Sandy River Watershed and Mt. Hood Corridor. The BLM's strategy focuses on securing Land and Water Conservation Funds (LWCF) for acquisition of key non-federal properties with high resource values particularly lands that contain or have the potential to restore river frontage, wetlands or side-streams, fisheries habitat, to provide significant public access, and to provide protection of scenic values.

The Sandy River is in close proximity to the fast growing Portland metropolitan area – an area that is projected to nearly double in population over the next 25 years. The Sandy River basin is known for its scenic beauty, deeply incised gorges and older forests, and the river provides critical habitat and passage for anadromous fish. The river-side lands within the middle segment are primarily in private and public utility ownership with scattered publicly owned parcels of BLM and Clackamas County lands.

A copy of the Sandy River Acquisitions Environmental Assessment (EA #OR080-02-01) can be obtained from the Bureau of Land Management (BLM), Salem District Office, 1717 Fabry Road SE, Salem, OR, 97306. Office hours are Monday through Friday, 7:30 A.M. to 4:00 P.M., closed on holidays.

PUBLIC INVOLVEMENT

BLM land tenure actions have enthusiastic and vocal support from both the local community and Clackamas County. Elected officials cited resource protection in the Mt. Hood corridor/Sandy watershed, increased efficiency of consolidating public ownership, protection of historic resources and maintaining public access, as reasons for supporting the BLM's land tenure actions. The Nature Conservancy, ODFW, members of Sandy Basin Watershed Council and Clackamas County Parks Department have expressed interest in cooperative management once the properties are in public ownership.

In 1998 Portland General Electric (PGE) held numerous public meetings concerning the re-licensing of its Bull Run Project. On May 26, 1999, PGE announced its decision to surrender its operating license and to decommission the project, rather than proceed with the re-licensing process. Key to project decommissioning is the removal of the Little Sandy and Marmot Dams. Fisheries passage, anadromous fish population management, sediment and dam removal process, recreation use (including status of Roslyn Reservoir) and potential PGE lands conveyance and management, and disposal of dam and spoils material have all surfaced as issues. PGE and the River Conservancy (one of BLM's partners) entered into an agreement, supported by BLM, to convey both project and non-project lands to the River Conservancy with the expressed intent that these lands be used to protect and conserve fish and wildlife habitat, public access and recreation opportunities along the Sandy River. The River Conservancy would in-turn sell the

March 4, 2002

lands to public entities (including BLM) and utilize the revenue to acquire additional lands. River Conservancy intends to use proceeds from the sale of donated PGE lands to acquire additional properties or interests in properties from willing sellers with the ultimate goal of conserving and protecting the Sandy River watershed.

BLM representatives have visited with Sen. Rick Metsger (state legislator for the local area) and he supports public ownership. Representatives of the Oregon Congressional Delegation and Governor Kitzhaber, have taken keen interest in the BLM's involvement in the Sandy River and have agreed that it would be in the public's interest to have key properties along the Sandy River including the PGE and other properties in public ownership.

During all of these discussions it has been made public knowledge that the BLM is in the process of acquiring lands along the Sandy River from willing sellers. The IDT did not identify any significant or major issue that would lead to the development of an additional action alternative in the EA.

Since there were no issues identified, Chapter 3 (Affected Environment) and Chapter 4 (Environmental Consequences) focused on seven relevant elements of the environment: recreation/visuals, socioeconomic, riparian/fisheries/water quality, vegetation, wildlife, minerals and cultural.

On January 31, 2002, the EA and draft Finding of No Significant Impact (FONSI) were mailed to 104 individuals, groups, and agencies that were on the mailing list. Also, on February 7, 2002, a legal notice requesting public comment to the EA and FONSI appeared in the Oregonian and on February 6, 2002 in the Sandy Post newspapers. As a result of the notices for public comment, two letters and three phone calls were received. See attachment for responses to comments.

ALTERNATIVES CONSIDERED

The alternatives considered in detail included the required "no action" alternative, and the proposed action alternative which initiated the environmental analysis process. A description of the alternatives analyzed in detail is contained in the EA, pp 11-12.

DECISION

Considering public comment, the analysis contained in the EA, supporting project record, and the management direction contained in the Salem District Resource Management Plan (RMP), I have decided to implement Alternative 2, herein known as the "selected alternative". The selected alternative is for the United States (BLM) to acquire (surface and mineral estates) or appropriate easement interest for parcels of land located in the Sandy River Basin for the appraised fair market value from willing sellers. Funding for the acquisition of the Offered Lands would be obtained from the Land and Water Conservation Fund. Total new land purchases would total approximately 4,000 acres.

March 4, 2002

My rationale for this decision follows: This middle segment of the Sandy River offers the BLM and our partners great potential for acquisition of lands with very high resource values that would benefit the health of the Sandy River watershed as well as provide needed public access and protection of the scenic viewshed. These acquisitions will provide BLM with the opportunity for more efficient “landscape” management of natural resources within the Sandy River watershed and Mt. Hood corridor. Federal management is consistent with the BLM’s Conservation and Land Tenure Strategy for the Sandy River and Mt. Hood Corridor, and the Oregon Resources Conservation Act of 1996, contained in Division B of the Omnibus Consolidated Appropriations Act of 1997, P.L. 104-208. Title IV, Sec. 401 (g) of that legislation mandated BLM to manage land within view of the Mt. Hood Loop Highway (U.S. Highway 26) primarily for the protection and enhancement of scenic qualities. This acquisition will help protect scenic values and alleviate problems associated with private land development inconsistent with management of adjacent Federal lands along a federally recognized scenic corridor.

The acquired lands would be managed by the BLM. BLM lands within the project area have been nominated as an Area of Critical Environmental Concern (ACEC) to be added to the existing Sandy River Gorge ACEC. To be officially designated as an ACEC, the BLM State Director must approve an amendment to the Salem District RMP. An ID team has already determined the importance and relevance and made the recommendation to designate lands along the Sandy as an ACEC. Interim management guidelines consistent with ACECs will be used until an amendment to the Salem District RMP is approved. At that time a management plan will be written. All lands to be acquired within the Sandy River Land Project area will be considered for ACEC status as they are acquired. As acquired lands, the parcels would not be open to mineral entry. Primary management emphasis for the parcels would be the enhancement and restoration of natural resources, while protecting any sensitive fish, wildlife, plant, cultural resources, aesthetic and recreational values.

I have determined that change to the Finding of No Significant Impact (FONSI – January 2002) for this project is not necessary because there are no significant new circumstances or facts relevant to environmental concerns and/or its impacts, which were not addressed in the EA.

RIGHT TO APPEAL

This decision may be appealed to the Interior Board of Land Appeals (Board), Office of the Secretary, in accordance with the regulations contained in 43 Code of Federal Regulations (CFR), Part 4 and Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) or 43 CFR 2804.1 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A
March 4, 2002

petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Board and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- 1) The relative harm to the parties if the stay is granted or denied,
- 2) The likelihood of the appellant's success on the merits,
- 3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- 4) Whether the public interest favors granting the stay.

CONTACT PERSON

For more information concerning this decision, please contact Barbara Raible, Cascades Resource Area Salem BLM, 1717 Fabry Rd. SE, Salem, OR 97306, telephone 503.375.5687.

Approved by: Richard C. Prather
Richard C. Prather
Cascades Field Manager

4 MAR 2002
Date

RESPONSE TO COMMENTS:

“If the BLM owns it (land) there are no more taxes paid.”- letter

It is true that the federal government owning the land would reduce the amount of taxes paid to Clackamas County. Most of the land being acquired is now zoned as designated forestland or exclusive farm use. Revenues lost would be minimal based on the forestland classification and only a small percentage of the county revenues, especially when compared with the recent growth of new construction.

“Your aggressive behavior, on the heels of the State of Oregon laying new claim to our riverbanks, is not appreciated.” - letter

Is this connected to the Navigability? - phone

This action is not connected to the State of Oregon’s declaration of the Sandy River as navigable and laying claim to the river to the high water mark. These actions are not related or interrelated. Federal lands along the Sandy River will also relinquish claim to the river bottom currently in their ownership to the State of Oregon.

Other comments included support for this BLM acquisition or specific inquiries about specific parcels of land.